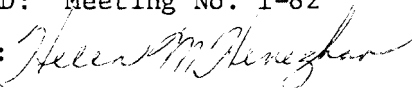


APPROVED: Meeting No. 1-82

ATTEST:



MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 42-81

December 14, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, on Monday, December 14, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams
(arrived at 8:50 p.m.)

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Director of Finance John Lawton; Director of Planning James M. Davis; Director of Public Works Robert Goodin; Director of Recreation and Park Ronald Olson; Director of Community Development Douglas Horne; City Clerk Helen Heneghan.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

Board of Appeals: Richard Arkin - 3-year membership
Karen Lechter - alternate

Energy Commission: William Barse - 2 year membership
824 Cabin John Parkway

Re: Award of Contract: Bid
No. 20-82, Gude Drive - Rt 355
at Mannakee Street

This bid covers the first section of a two phase project for the construction of Gude Drive between Route 355 and Research Boulevard. The limits of this phase include the area between Piccard Drive and Route 355, a distance of approximately 6,000 L.F.

The project has been authorized through the Capital Improvement Program with a total appropriation for construction, design and right-of-way of \$5,989,000. The Montgomery County Government, under the terms of an agreement signed with the City on October 24, 1978, will fund 75 percent of the total cost.

On July 14, 1980, the Mayor and Council conducted a special assessment public hearing on the project. Following this, on August 25, 1980, the staff was authorized to proceed with the final design and project implementation. This phase is expected to be open to traffic by the fall of 1982. Phase B, which includes the bridge over I-270, will be bid in the spring, and the roadway in its entirety will be open to traffic in the fall of 1983. Twelve bids were received as follows:

F.O. Day Company, Inc., Rockville, Maryland	\$1,394,677.50
Pleasant Excavating, Clarksburg, Maryland	1,521,680.25
A.H. Smith, Branchville, Maryland	1,590,088.25
Cherry Hill Sand & Gravel Company, Inc., Jessup, Maryland	1,610,654.75
R.F. Kline, Inc., Frederick, Maryland	1,632,998.70
Concrete General, Inc., Gaithersburg, Maryland	1,646,841.00
Ronald Hsu Construction Company, Inc., Capital Heights, MD	1,694,620.69
Shirley Contracting Corporation, Alexandria, Virginia	1,785,480.00
John Driggs Company, Inc., Capital Heights, Maryland	1,714,272.00
Marbro Company, Inc., Beltsville, Maryland	1,796,314.00
Bescon Corporation, Gaithersburg, Maryland	1,810,931.00
W.W. Paving, Inc., Frederick, Maryland	1,946,133.02
Engineer's Estimate	\$1,725,000.00

The appropriation for construction of this phase of the project is \$2,125,000. The bids received represent a continuation of the favorable bidding climate experienced when bidding public works projects over the past year. The low bidder, F.O. Day Company, Inc., has undertaken many similar projects for the City in the past and has always performed satisfactorily. They are exceptionally well qualified to undertake a project of this magnitude.

It is recommended that the contract be awarded to the low bidder, F.O. Day Company, Inc., in the amount of their bid of \$1,394,677.50.

Councilwoman Fordham asked if the landscaping meetings had been continued with the citizens. Mr. Goodin said he hoped to resolve those questions soon and put that out for bid next summer. Councilman Freeland asked if the money saved on this bid would be used for landscaping. Mr. Goodin explained that the money had been set aside for landscaping. Mayor Hanna commented on the excellence of the bid.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 20-82, for Gude Drive, was awarded to the low bidder, F.O. Day Company, Inc., in the amount of \$1,394,677.50.

Re: Resolution: To establish 1%
penalty monthly for failure to
pay taxes

Resolution No. 27-81

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Resolution No. 27-81, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, establishing a further 1% monthly penalty for failure to pay taxes, was adopted by the Mayor and Council.

Re: Approval of extension of
settlement date for sale
of property on Rt. 355 at
Mannakee Street

On November 17, 1980, a contract was executed between the Mayor and Council of Rockville and Mannakee Investors for the sale of 1.97 acres of land within the Montgomery College Urban Renewal Area at the corner of Mannakee Street and Hungerford Drive. It was the intent of the developer to construct a 60,000 square foot office building on the site. The contract stipulated that settlement was to take place on or before November 18, 1981.

Glen J. Koepenick, Jr., a general partner of Mannakee Investors, has recently requested an extension for settlement citing current mortgage conditions as an obstacle to proceeding with the proposed development on the original schedule.

In response to Mr. Koepenick's request, a supplemental agreement was prepared by the City Attorney's Office. The new agreement extends the terms and conditions of the original document until November 17, 1982, a period of one year. It also increases the purchase price from \$519,700 to \$601,200 which has been established as the fair market value for the property by an independent appraiser. In addition, the agreement also provides for an additional increase in the purchase price at the rate of 1% per month should settlement take place after May 17, 1982.

Staff recommends that the Mayor and Council authorize the City Manager to execute the attached agreement on behalf of the City in order to extend the time for settlement on the subject property for a period of one year.

The Council discussed this in detail since the original request was for a six month extension. Mr. Horne explained that although the applicant originally requested a six month extension, in talking to him he brought out the fact that financing might still be difficult so they then discussed a one-year

extension with the 1% per month increase in price. Councilwoman Fordham and Mayor Hanna felt it was quite a long time to hold the land off the market. They felt the six month extension would be long enough, it could always be extended at that time. Councilmen Freeland and Tyner did not agree with this but did accept the six month idea since both Mayor Hanna and Councilwoman Fordham favored it.

Councilman Freeland moved, duly seconded, and unanimously passed, to extend the settlement date for another six months.

Re: Approval of recommendations
for State legislation to
influence School Board

Because of interest by the Mayor and Council in exerting greater influence over the Board of Education's decisions regarding school closures, the Director of Planning is recommending a relatively minor adjustment to Article 66B, Section 3.08 of the Annotated Code of Maryland. This recommended amendment would extend to local legislative bodies, whose zoning and planning powers are derived from Article 66B, mandatory review authority over school closures prior to a final decision.

The staff is requesting that the Mayor and Council endorse the recommended legislation and request members of the bi-county delegation to sponsor the legislation as a means of expressing greater control over the Board of Education. Councilman Freeland asked if the City Attorney had looked at this proposal. Sondra Block suggested that along with this, the Council instruct the City Attorney to draft some companion legislation to go in the education article. Councilman Tyner asked if this legislation includes the Planning Commission. Mrs. Block explained that it deals directly with the Mayor and Council but they can refer anything to the Planning Commission.

On motion of Councilman Freeland, duly seconded and unanimously passed, the staff was instructed to proceed.

Re: Approval of proposal for
Lincoln's Birthday observance

The Humanities Commission was requested by Mr. Blick to recommend some way to commemorate Abraham Lincoln's birthday. In response to that request the Commission is submitting a proposal for a poster, poetry and essay contest for grades K-6 and 7-12.

The proposal is aimed at getting the Rockville school age population involved. To that end, various Commission members have made several preliminary contacts with school officials, both to obtain guidance in establishing contest rules and to solicit support for the project.

The Commission recommends that the Mayor and Council consider the following, concerning awards to the eight contest winners:

1. A special certificate be printed by the City, signed by the Mayor and Council, placed in a suitable frame, and presented to the winners at a council meeting. Approximate cost \$15.00 per person or \$120.00.
2. An appropriate book on Abraham Lincoln be given to each winner as an award. The books would be of appropriate gift quality and would cost approximately \$200.
3. If the cost of the awards must be defrayed through contributions, the Mayor and Council may wish to solicit support from organizations, such as the Lincoln Society, Montgomery County Historical Society or a Rockville service club such as American Legion of Kiwanis.

Councilwoman Fordham moved, duly seconded, to approve the commission's recommendations except a \$50 savings bond be given instead of a book to each winner and the City cover the cost of the awards and not ask for local contributions. The motion passed, only Councilman Freeland voting nay.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. An unidentified citizen told the Mayor and Council that she delivered a letter to them today concerning 15 citizen PTAs who have combined to take action against the School Board regarding school closings. She asked the Mayor and Council to study the letter and the petition and then take some action.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Special
Assessment Project - reconstruction,
widening, sidewalks, street lights,
undergrounding overhead wiring and
traffic signals on North Washington
Street between Jefferson Street and
Beall Avenue and Middle Lane
between Washington Street and a
point 250 feet west.

The Mayor and Council conducted a public hearing on the special assessment project for improving North Washington Street and heard those persons as will be

found in the official stenographic transcript of the hearing. There being no other person wishing to be heard, the Mayor closed the public hearing with the record to be held open for thirty days.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Montgomery County Council, re acknowledgement of letter
2. Jeryl O. Gegan, re appointment

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo re PRU application process
2. Testimony for Governor's Advisory Council on Redistricting - delivered 11/24/81
3. Information on Montgomery County PTA's meeting on school closures

Re: New Business

1. Councilman Tyner asked the City Manager to give the Mayor and Council a report of the cost of in-kind services provided by the City of Rockville to the Montgomery County Chapter of the Maryland Municipal League.

Mr. Titus told the Mayor and Council the Governor has approved an ad hoc committee to present him with legislation that would overrule the decision in the "Frank" case.

2. Councilman Tyner asked the City Manager the status of the T.S.M. study for downtown and asked what parking studies are being done on a parking authority. The City Manager said he would see to it.

3. The City Manager presented to the Council testimony to be presented to the County Executive on Thursday, December 17, at the joint hearing with Laytonsville. Councilmembers Fordham and Freeland will jointly present the testimony. The Council commented on the testimony suggested and made the following changes. Mayor Hanna asked that one of the councilmembers emphasize the cost and the second the programmatic problems and the failure of the County to carry out its guarantees. Councilman Tyner suggested a get-on-with-it approach. He added that the key is to get off the dime any way at all and open the new landfill. Mayor Hanna suggested that it might be mentioned that the City of Rockville did not choose Laytonsville. That was done by a very careful selection process, but now that it has been selected it is very important that the County live up to its prior agreements with the City of Rockville and if that means opening Laytonsville, then please do it.

Re: Executive Session

On motion of Councilman Freeland, duly seconded and unanimously passed, the meeting was closed for executive session for consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 10:10 p.m. to convene again in general session on Monday, January 4, 1982 or at the call of the Mayor.